

TRANSMITTAL FORM

(To be used for all correspondence
after initial filing)

| | |
|----------------------|-------------------|
| Application Number | 09/825,159 |
| Filing Date | April 2, 2001 |
| First Named Inventor | Kenneth H. Abbott |
| Art Unit | 2173 |
| Examiner Name | Tadesse Hailu |
| Attorney Docket No. | 890057.408C1 |



ENCLOSURES (check all that apply)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement and Transmittal <input type="checkbox"/> Cited References <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Declaration <input type="checkbox"/> Statement under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (<i>Appeal Notice, Brief, Reply Brief</i>) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (<i>please identify below</i>): PTOL-85 (+ copy): _____ Application for Patent Term _____ Adjustment with enclosures _____ |
|---|---|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|-----------------|--------|
| Firm Name | Seed Intellectual Property Law Group PLLC | Customer Number | 00500 |
| Signature | | | |
| Printed Name | James A.D. White | | |
| Date | December 7, 2005 | Reg. No. | 43,985 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

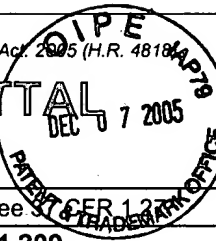
Signature

Typed or printed name

Date:

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)

FEE TRANSMITTAL for FY 2005



Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 09/825,159 |
| Filing Date | April 2, 2001 |
| First Named Inventor | Kenneth H. Abbott |
| Examiner Name | Tadesse Hailu |
| Art Unit | 2173 |
| Attorney Docket No. | 890057.408C1 |

☐ Applicant claims small entity status. See 37 CFR 1.271.

TOTAL AMOUNT OF PAYMENT (\$1,209

METHOD OF PAYMENT (check all that apply)

- ☒ Check ☐ Credit Card ☐ Money Order ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 19-1090 Deposit Account Name: Seed IP Law Group PLLC
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**
- ☐ Charge any additional fee(s) or underpayments ☒ Charge any underpayments or credit any overpayments of fee(s) under 37 CFR 1.16 and 1.17

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | _____ |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | _____ |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | _____ |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| | | | | |
|-------------------------|---------------------|-----------------|----------------------|--------------------------------------|
| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims |
| _____ -20 or HP = _____ | X | _____ = _____ | _____ | Fee (\$) Fee Paid (\$) |

HP = highest number of total claims paid for, if greater than 20

| | | | |
|------------------------|---------------------|-----------------|----------------------|
| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
| _____ -3 or HP = _____ | X | _____ = _____ | _____ |

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)) the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------------|---------------------|---|-----------------|----------------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| _____ -100 = _____ | /50 = _____ | (round up to a whole number) x _____ | _____ | _____ |

4. OTHER FEE(S)

| | |
|--|------------|
| Non-English Specification, \$130 fee (no small entity discount) | _____ |
| Other (e.g., late filing surcharge): Small Entity Utility Patent Issue Fee | 700 |
| Publication Fee | 300 |
| Patent Soft Copies | 9 |
| Application for Patent Term Adjustment | 200 |

SUBMITTED BY

| | | | | | |
|-------------------|-------------------|-----------------------------------|------------------|-----------|--------------|
| Signature | | Registration No. (Attorney/Agent) | 43,985 | Telephone | 206-622-4900 |
| Name (Print/Type) | James A. D. White | Date | December 7, 2005 | | |



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kenneth H. Abbott et al.
Application No. : 09/825,159
Filed : April 2, 2001
For : THEMATIC RESPONSE TO A COMPUTER USER'S CONTEXT,
SUCH AS BY A WEARABLE PERSONAL COMPUTER

Examiner : Tadesse Hailu
Art Unit : 2173
Date of Notice Allowance : September 8, 2005
Docket No. : 890057.408C1
Date : December 7, 2005

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT

Commissioner for Patents:

Applicants hereby request reconsideration of the patent term noted in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) provided with the Notice of Allowance mailed on September 8, 2005. A check in the amount of \$200 for this application is enclosed.

Statement of the Facts:

The Determination of Patent Adjustment under 35 U.S.C. 154(b) indicates that the Patent Term Adjustment for this application to date is 280 days. Applicants submit that the correct patent term adjustment for this application should be 981 days, calculated as follows:

- This application was filed on April 2, 2001.
- A Notice to File Missing Parts was mailed by the USPTO on

June 22, 2001. Applicants timely mailed a Response to Notice to File Missing Parts on July 16, 2001, which was received by the USPTO on July 19, 2001, as shown on the Patent Office's Private Pair system (with the date highlighted on an attached copy of a printout of the file history as of December 7, 2005), and as evidenced by the postcard and transmittal documents sent with the Response (a copy of which is submitted herewith). Accordingly, no reduction in patent term adjustment arises from this Response.

- The initial action by the USPTO was an Office Action mailed February 10, 2004, as highlighted on the attached copy of the Private Pair system printout for this application. Pursuant to 37 CFR 1.702(a), this initial action should have been issued by the USPTO within 14 months of the filing date of the application, that date being June 2, 2002. Therefore, pursuant to 37 CFR 1.703(a), the initial action was 618 days late.

- Applicants filed a Response to this Office Action on May 10, 2004, within three months of the mailing date of the Office Action, as evidenced by the attached date stamped postcard receipt. The attached copy of the Private Pair system printout for this application also reflects that the USPTO initiated an IFW workflow for the incoming amendment filed May 10, 2004, as highlighted on the attached copy. Accordingly, pursuant to 37 CFR 1.704(b), Applicant's response was timely filed, and no reduction in patent term adjustment arises from this Response. Nonetheless, despite Applicant's timely response to the Office Action, the U.S. Patent Office has treated this Response as having not been filed until April 26, 2005 (based on an informal courtesy copy of the Response filed May 10, 2004 that was faxed to the Examiner of record at his request on that day), and has incorrectly deducted 351 days of Patent Term.

- The subsequent action by the USPTO to Applicants' Response of May 10, 2004 was a Notice of Allowance mailed September 8, 2005. Pursuant to 37 CFR 1.702(a), this subsequent action should have been issued by the USPTO within 4 months of the filing date of the Response, that date being September 10, 2004. Therefore, this subsequent action was 363 days late.

In view of the foregoing, Applicants are entitled to a patent term adjustment of 981 days (618 days reinstated for timely-filed Response to Notice to File Missing Parts plus 363 days for late issuance of the subsequent Action, without any reduction for delay on Applicants'

Application No. 09/825,159

Application for PTA provided by Notice of Allowance mailed September 8, 2005

part) and respectfully request that such a patent term adjustment be granted. Applicants note that this application is not subject to a terminal disclaimer.

The Director is authorized to charge any additional fees due by way of this Application, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC



James A. D. White

Registration No. 43,985

JDW:jaa

Enclosures:

Check including \$200.00 fee

Copy of Determination of Patent Term Adjustment under 35 U.S.C. 154(b) as provided
with Notice of Allowance

Copy of Postcard and Transmittal Documents of Response to Notice to File Missing Parts
filed July 16, 2001

Copy of Date-Stamped Returned Postcard for the Response to Office Action

Copy of Private PAIR System File History Printout

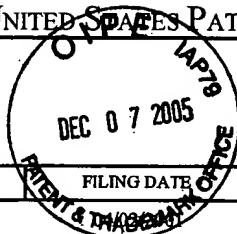
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

721738_1.DOC



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/825,159 | | Kenneth H. Abbott | 294438008US1 | 2371 |

00500 7590 09/08/2005

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

EXAMINER

HAILU, TADESSE

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 09/08/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 280 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 280 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

EXPRESS MAIL NO.
EV529786366US



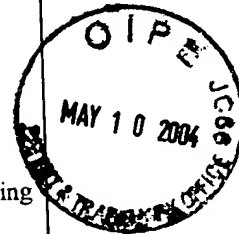
EXPRESS MAIL NO.

EV447226192US
890057.408C1
JDW:jjf

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT: May 10, 2004
DUE: May 10, 2004

Date Stamp



Kindly acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Transmittal Form; Revocation and Substitute Power of Attorney; Statement under 37 CFR 3.73(b); Amendment (27 pages); in re: Kenneth H. Abbott et al., USAN 09/825,159, filed April 2, 2001, for THEMATIC RESPONSE TO A COMPUTER USER'S CONTEXT, SUCH AS BY A WEARABLE PERSONAL COMPUTER.

C:\NrPortbl\iManage\JENNIFER\F481063_1.DOC SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

asl/arl

EXPRESS MAIL NO.
EV529786366US



Seed Intellectual Property Law Group PLLC



Seed^{IP}

701 Fifth Avenue
Suite 6300
Seattle, WA 98104-7092

RECEIVED

MAY 17 2004

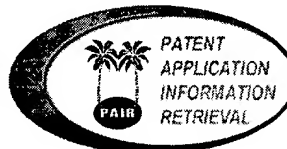
Seed Intellectual Property
Law Group PLLC

76





PATENT APPLICATION INFORMATION RETRIEVAL



Printer Friendly Version

Patent Term Adjustment (PTA) for application number: 09/825,159

| | | Days |
|------------------------------|------------|-----------------------------|
| Filing or 371(c) Date: | 04-02-2001 | USPTO Delay (PTO): 631 |
| Issue Date of Patent: | - | Three Years: - |
| Pre-Issue Petitions (days): | +0 | Applicant Delay (APPL): 351 |
| Post-Issue Petitions (days): | +0 | Total PTA: 280 |
| USPTO Adjustment (days): | +0 | Explanation of Calculations |

PAIR

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☐ Assignments
☐ Continuity Data
☐ Display References
☐ File History
☐ Image File Wrapper
☒ Publication Review

Search

Patent Term Adjustment History

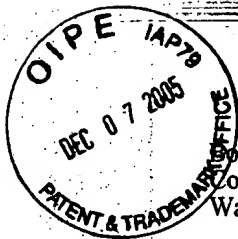
| Date | Contents Description | PTO (days) | APPL (days) |
|------------|---|---------------|----------------|
| 09-08-2005 | Mail Notice of Allowance | 13 | |
| 08-18-2005 | Notice of Allowance Data Verification Completed | ↑ | |
| 08-18-2005 | Case Docketed to Examiner in GAU | ↑ | |
| 08-09-2005 | Mail Examiner's Amendment | ↑ | |
| 08-06-2005 | Examiner's Amendment Communication | ↑ | |
| 06-08-2005 | Date Forwarded to Examiner | ↑ | |
| 04-26-2005 | Response after Non-Final Action | ↑ | 351 |
| 07-19-2001 | New or Additional Drawing Filed | | ↑ |
| 03-15-2005 | Miscellaneous Incoming Letter | | ↑ |
| 04-25-2005 | IFW TSS Processing by Tech Center Complete | | ↑ |
| 03-21-2005 | Reference capture on IDS | | ↑ |
| 03-21-2005 | Information Disclosure Statement (IDS) Filed | | ↑ |
| 04-25-2005 | Correspondence Address Change | | ↑ |
| 04-25-2005 | Change in Power of Attorney (May Include Associate POA) | | ↑ |
| 12-20-2002 | Reference capture on IDS | | ↑ |
| 07-16-2002 | Reference capture on IDS | | ↑ |
| 05-10-2004 | Workflow incoming amendment IFW | | ↑ |
| 02-10-2004 | Mail Non-Final Rejection | 618 | ↑ |
| 02-08-2004 | Non-Final Rejection | ↑ | |
| 01-05-2004 | Case Docketed to Examiner in GAU | ↑ | |
| 09-08-2003 | Case Docketed to Examiner in GAU | ↑ | |

Faxed courtesy
 copy of
 Amendment filed
 May 10, 2004

Amendment filed
 May 10, 2004

| | | | |
|------------|---|---|--|
| 12-20-2002 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 07-16-2002 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 07-19-2001 | Preliminary Amendment | ↑ | |
| 11-08-2001 | Case Docketed to Examiner in GAU | ↑ | |
| 10-01-2001 | Application Dispatched from OIPE | ↑ | |
| 06-22-2001 | Application Is Now Complete | ↑ | |
| 06-22-2001 | Notice Mailed--Application Incomplete--Filing Date Assigned | ↑ | |
| 06-22-2001 | Correspondence Address Change | ↑ | |
| 04-16-2001 | IFW Scan & PACR Auto Security Review | ↑ | |
| 04-02-2001 | Initial Exam Team nn | ↑ | |

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EXPRESS MAIL NO.
EV529786366US

DOCKET NO.: 29443-8008US1
JDW:SBR Tangis

SENT: July 16, 2001
DUE: August 22, 2001

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

PLEASE DATE STAMP AND RETURN

Please acknowledge receipt of the below-listed documents by placing your receiving stamp hereon and mailing:

Response to Notice to File Missing Parts (+copy), Declaration,
Election & Power of Attorney, Authorization for Extensions of Time,
copy of Notice to File Missing Parts, 38 sheets of formal drawings
(Figs. 1-20), Preliminary Amendment; in re: Abbott et al., App. No.
09/825,159, Conf. No. 2371, filed 4/2/01, for THEMATIC
RESPONSE TO A COMPUTER USER'S CONTEXT, SUCH AS
BY A WEARABLE PERSONAL COMPUTER.

Perkins Coie LLP

CC: AHS

BEST AVAILABLE COPY

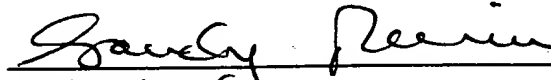


PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, DC 20231.

July 16, 2001

Date


Sandy Reisman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kenneth H. Abbott et al.
Application No. : 09/825,159 Confirmation No.: 2371
Filed : April 2, 2001
For : THEMATIC RESPONSE TO A COMPUTER USER'S
CONTEXT, SUCH AS BY A WEARABLE PERSONAL
COMPUTER

Art Unit : 2173
Docket No. : 294438008US1
Date : July 13, 2001

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts dated June 22, 2001, please find enclosed a Declaration, Election and Power of Attorney, Authorization for Extensions of Time Under 37 CFR § 1.136(a)(3), 38 sheets of formal drawings (Figures 1-20), and a copy of the Notice to File Missing Parts for the above-identified application.

Applicants claim small entity status. See 37 CFR 1.27.

The fees have been calculated below after taking into consideration the enclosed Preliminary Amendment and the small entity status:

| | | |
|----------------------------------|----|----------|
| Basic Fee | \$ | 355.00 |
| Total Claims (141, 121 extra) | | 1,089.00 |
| Independent Claims (10, 7 extra) | | 280.00 |
| Missing Parts Surcharge | | 65.00 |
| TOTAL | \$ | 1,789.00 |

Please charge Deposit Account No. 50-0665 in the amount of \$1,789.00 for the requisite fees. The Commissioner is hereby authorized to charge any additional filing fees or to credit any overpayment to Deposit Account No. 50-0665. A duplicate copy of this response is enclosed.

Respectfully submitted,

Perkins Coie LLP



James A. D. White
Registration No. 43,985

JDW:SBR

Enclosures:

- Postcard
- Copy of this Response
- Preliminary Amendment
- Authorization for Extensions of Time Under 37 CFR § 1.136(a)(3)
- Declaration
- Election and Power of Attorney
- Copy of Notice to File Missing Parts
- 38 Sheets of Formal Drawings (Figs. 1-20)

PERKINS COIE LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 583-8888
FAX: (206) 583-8500